

WAIVING POINTS OF ORDER AGAINST THE CONFERENCE  
REPORT TO ACCOMPANY H. CON. RES. 67, THE CON-  
CURRENT RESOLUTION ON THE BUDGET FOR FISCAL  
YEARS 1996-2002

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JUNE 29 (Legislative day of JUNE 28), 1995.—Referred to the House Calendar and  
ordered to be printed

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Mr. SOLOMON, from the Committee on Rules,  
submitted the following

REPORT

[To accompany H. Res. 175]

The Committee on Rules, having had under consideration House Resolution 175, by a non-record vote, report the same to the House with the recommendation that the resolution be adopted.

BRIEF SUMMARY OF PROVISIONS OF RESOLUTION

The resolution waives all points of order against the conference report on H. Con. Res. 67, the concurrent resolution on the budget for fiscal years 1996 through 2002, and against its consideration. The rule provides one hour of debate on the conference report, divided equally between the chairman and ranking minority member of the Committee on the Budget. Finally, the rule provides that the provisions in section 2 of the rule shall be effective upon the adoption of the budget resolution by the Congress.

The rule waives all points of order against the conference report and its consideration as a matter of precaution. The conference report will be in compliance with the three-day availability rule (clause 2(a), rule XXVIII), since the report was filed on Monday, June 26th and will not be considered prior to Thursday, June 29th. However, the report may be considered in violation of clause 3 of rule XXVIII, which prohibits the inclusion in conference reports of matters not committed to conference by either House. For example, because the conferees included new provisions calling for certification that a balanced budget will be achieved by the year 2002 as a result of reconciliation legislation to be enacted this year, the waiver of points of order are necessary. In the absence of such

waivers, the conference report would be rejected upon the sustaining of a point of order.

The rule provides for one hour of debate on the conference report instead of the five hours called for under section 305(a) of the Budget Act. A review of budget conference report rules over the last decade reveals that seven of the eight rules granted provided for one hour of debate on the conference reports. The exception was in 1990 when the special rule provided for two hours of debate on the budget conference report (see the summary of budget conference report rules in the succeeding section of this report).

Section 2 of the rule clarifies the interpretation of two procedures as they apply to the House. First of all, the rule clarifies the House procedures for certifying a balanced budget are contained in section 210. The Senate, which drafted the conference report, neglected to eliminate references to the House in the Senate procedures for certifying a balanced budget in section 205. Consequently, there are overlapping certification procedures in the House. Exercising its rulemaking authority, the rule clarifies that the House will follow section 210 in the House.

The rule also provides the correct numbers for the level of revenue reconciled to the House Committee on Ways and Means. The incorrect revenue levels were put in the reconciliation instructions for Ways and Means. The numbers in the rule are consistent with the aggregate revenue levels in the conference report.

Finally, the rule does not address the issue of a motion to recommit because, under section 305(a)(6) of the Budget Act, "a motion to recommit the conference report is not in order, and it is not in order to move to reconsider the vote by which the conference report is agreed to."

#### BUDGET RESOLUTION CONFERENCE REPORT RULES—10 YEAR HISTORY

##### *99th Congress (1985–86):*

S.Con.Res. 32—Waives all points of order; motion to recede & concur for one hour.

S.Con.Res. 120—No rule.

##### *100th Congress (1987–88):*

H.Con.Res. 93—Wavies three-day layover (clause 2, rule 28); 302(a) Budget Act; scope (clause 3, rule 28); germaneness (clause 4, rule 28); one-hour general debate.

H.Con.Res. 268—Waives all points of order; one-hour general debate; waives rule 49 (debt limit rule).

##### *101st Congress (1989–90):*

H.Con.Res. 106—No rule.

H.Con.Res. 310—Waives all points of order; waives rule 49; two-hours general debate.

##### *102nd Congress (1991–92):*

H.Con.Res. 121—Waives all points of order; waives Rules 49; one-hour general debate.

H.Con.Res. 287—Waives all points of order; one hour general debate.

*103rd Congress (1993–94):*

H.Con.Res. 64—Waives all points of order; one hour general debate.

H.Con.Res. 218—Waives all points of order; one hour general debate; waives rule 49.